Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of:	)	
	)	
Petition of LCI and CompTel for	)	CC Docket No. 98-56
Expedited Rulemaking To Establish	)	RM-9101
Reporting Requirements and	)	
Performance and Technical Standards	)	
for Operations Support Systems	)	

AMERITECH'S INITIAL COMMENTS IN RESPONSE TO NOTICE OF PROPOSED RULEMAKING

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The Ameritech Operating Companies[1/] ("Ameritech"), in accordance with the Notice released in this docket on April 17, 1998, respectfully offer the following Comments in response to the Notice of Proposed Rulemaking (the "Notice" or "NPRM").

1/ The Ameritech Operating Companies are: Illinois Bell Telephone Company ("Ameritech Illinois"), Indiana Bell Telephone Company, Incorporated ("Ameritech Indiana"), Michigan Bell Telephone Company ("Ameritech Michigan"), The Ohio Bell Telephone Company ("Ameritech Ohio"), and Wisconsin Bell, Inc. ("Ameritech Wisconsin").

I. INTRODUCTION AND SUMMARY

As the Commission itself has acknowledged, Ameritech is, and has been, committed to competition in the local market. Indeed, Ameritech has negotiated or arbitrated interconnection agreements with hundreds of competing local exchange carriers ("CLECs") consistent with the Telecommunications Act of 1996. These agreements define contractual standards for performance, and Ameritech measures and reports its performance against those standards today -- and has been doing so for two years. More importantly, Ameritech has worked, and will continue to work, with CLECs to improve performance results. For example, Ameritech has dedicated account managers and service managers whose primary functions are to monitor and improve performance levels. Accordingly, Ameritech's comments in this docket are based upon and reflect this extensive and practical experience with performance measurement and improvement.

Ameritech recognizes that the Commission has put a great deal of effort into the issue of performance measures and has, in good faith, attempted to resolve the competing claims of the parties. Ameritech, in particular, strongly supports the Commission's approach of attempting to balance these competing proposals through the rigorous application of cost-benefit principles and will propose the same approach at the level of specific interconnection agreements. As will be addressed throughout these Comments, Ameritech also supports many of the balances struck by the Commission, and although Ameritech does not support federally mandated measurements, it plans to implement many of the Commission's proposals, in whole or in part, at the level of specific interconnection agreements.

Ameritech's comments are organized along the same lines as the Commission's Notice. In Section II, Ameritech addresses its legal concerns with the Commission's proposed action. In Section III, and Appendices A, C, and D, Ameritech offers detailed comments on each of the proposed performance measurements. Section IV addresses reporting procedures. Finally, Section V, and Appendix B, describe Ameritech's views on statistical analysis of performance results.

Section II addresses the two fundamental legal issues posed by the Commission: first, whether the Commission has the jurisdiction to regulate performance measurements; and second, whether the Commission's proposed approach -- unilateral regulation -- is consistent with the Telecommunications Act of 1996 (the "1996 Act"). The answer to both is "no." As Ameritech has consistently argued in this docket, performance measurements are contractual issues, not subjects for federal regulation. The parties assigned roles in defining performance measures are: the contracting carriers, state regulatory commissions, and federal courts. Congress assigned this Commission no role in this area at all. Rather, the 1996 Act creates a de-regulatory process of private negotiation, State commission arbitration, and federal court review. The carrier-specific interconnection agreements that result from this contractual process give meaning and life to the obligations set forth in the 1996 Act. To the extent that performance measures are necessary to monitor and enforce those agreements, they must be defined through the same process, by the same parties, that created the agreements to which those measures relate. Therefore, the Commission's attempted unilateral imposition of regulations conflicts with the de-regulatory

process set forth in the 1996 Act, and, if adopted, would nullify the certainty of thousands of approved interconnection agreements, in violation of the Act.

However, if the Commission nevertheless decides to promulgate performance regulations, Section III of these comments examines in detail each of the measurements proposed by the Commission. Our overall approach to each measurement, however, is the same. Ameritech assesses whether the proposed measurement provides a meaningful measure of performance, and if so, whether reporting that measure would be feasible and cost-effective. Where a proposed measure meets both criteria, Ameritech supports its adoption. In many cases, Ameritech suggests modifications to the measure that are necessary to meet the criteria of meaningfulness and cost-effectiveness. Where a proposed measure does not meet those criteria (and cannot be modified to meet them), Ameritech recommends that the measure not be adopted. Based on these criteria, Ameritech objects to five measurements: average coordinated conversion, average jeopardy notice, percent of orders with jeopardy, average submissions per order and percentage of accurate 911 database updates.

Ameritech applies the same two-step test to the Commission's proposed levels of disaggregation for each measure. Ameritech does not agree that a uniform level of disaggregation should be routinely applied to each measurement, but rather believes disaggregation should be assessed separately for each measure. Ameritech recommends that a given category of data be reported separately only when disaggregation provides meaning and is cost-effective. A measurement category provides meaning when performance results within that category are consistently and materially different from results in other categories. It is cost-

effective when the benefit provided, in terms of increased utility of reporting, meets or exceeds the cost of gathering and measuring data at that level of detail. In comparison to the 300 disaggregation categories proposed by the Commission, Ameritech recommends a slightly lower number in total, and in many instances different disaggregation categories.

In addition, Ameritech's comments propose adjustments to raw results to ensure a statistically and substantively valid measure of parity. In this regard, "parity" does not require statistically equal results, only substantially equivalent treatment in comparable situations. Nevertheless, there are a number of factors that affect performance results. These include differences in the nature of the service requested, and problems caused by sources other than the incumbent local exchange carrier. Each of these factors must be considered and reflected to provide a true measure of performance.

Appendix A summarizes Ameritech's recommendations that appear in Section III of these comments. To facilitate the Commission's review of these comments, Appendix A compares Ameritech's recommendations to the Commission's proposals and for each measurement highlights any variations in calculation, exclusions or inclusions, and disaggregation categories. Appendices C and D provide detailed analysis and information relative to the Commission's proposed measurements for interconnection.

Section IV comments on reporting procedures. Ameritech generally agrees with the reporting procedures, and the balancing test, proposed by the Commission.

Finally, Section V describes the statistical analysis of performance results, after the adjustments described above are performed. Appendix B to these Comments presents a more

technical critique of the statistical approaches advanced in this docket, and corresponds to the technical discussion in Appendix B of the Notice. It is critical, however, that the Commission not focus too heavily on statistical methods or lose sight of the limited, albeit useful, role that statistical analysis should play. Generally accepted techniques of statistical analysis may be helpful to determine whether apparent discrepancies in performance results are attributable to random chance, or whether some non-random factor is present. The latter result, however, should not result in knee-jerk litigation, nor in an automatic finding of discrimination. Rather, a statistical finding of apparent disparity is only the first step in a cooperative, focused investigation into its source, which may well reveal that the potential disparity is attributable to factors other than the incumbent. Statistics are informative, not dispositive.

II. THIS COMMISSION HAS NEITHER JURISDICTION NOR A ROLE IN DEVELOPING PERFORMANCE MEASUREMENTS FOR LOCAL INTERCONNECTION AGREEMENTS

While performance measures are important, not all important matters require government regulation. Fewer still fall within the jurisdiction of this Commission, or within the role established for it by the 1996 Act. Both limitations apply here. First, Congress has not provided the Commission with jurisdiction to impose these regulations. Second, the Act clearly places such measures within the scope of interconnection agreements that are either privately negotiated or subject to State commission arbitration.

A. The Commission Lacks Jurisdiction To Impose Performance Measures For Local Interconnection Agreements.

For over 60 years, since the enactment of the Communications Act of 1934, Congress has expressly confined this Commission's jurisdiction to interstate and foreign communications and has reserved for the States exclusive jurisdiction over intrastate communications. Section 2(b) of the 1934 Act states that "nothing in this Act shall be construed to apply or to give the Commission jurisdiction with respect to . . . intrastate communication service." Accordingly, the Supreme Court has squarely held that section 2(b) "fence[s] off from FCC reach or regulation intrastate matters," and that only an "unambiguous" and "straightforward" grant of specific intrastate jurisdiction to the FCC can "override the command of [section 2(b)]." Louisiana Pub. Serv. Comm'n v. FCC, 476 U.S. 355, 370, 377 (1986).

No unambiguous or straightforward grant of Commission jurisdiction over performance measures appears in the 1996 Act. The Commission pins its jurisdictional hopes solely on sections 251(c)(3) and (4) of the 1996 Act, and specifically their provisions "designed to prevent

incumbent carriers from providing services and facilities in a manner that favors their own retail operations over competing carriers, or in a manner that favors certain competing carriers over others." Yet section 251(c)(3) does not even mention this Commission, let alone give it authority to issue rules. And section 251(c)(4) authorizes the Commission only to prescribe regulations under which a State commission may "prohibit a reseller that obtains at wholesale rates a telecommunications service that is available at retail only to a category of subscribers from offering such service to a different category of subscribers." Neither of these provisions is the far-reaching jurisdictional license that the Commission asserts them to be, or the unambiguous jurisdictional grant that section 2(b) requires.[2/]

In a forceful dissent, Commissioner Furchtgott-Roth properly points out that the "jurisdiction of the FCC to remedy those grievances [regarding performance measures] is questionable at best." As he explains, Congress set a mandatory six-month time frame for regulations under section 251, which has long since expired. Further, "even if the Commission had acted within the Statutory time framework of Section 251, it is questionable whether the specific details of this NPRM . . . are necessary or consistent with the combined language of Sections 251 and 252." And finally, sections 251 and 252 provide "a direct means for States, through the arbitration process, to impose OSS measures, rules, and standards as they see fit.

[2/] The Commission asserts that federal rules are desirable because incumbents serve multiple states and use centralized OSS facilities. NPRM, ¶ 23 n.27. One could, of course, make the same argument in favor of FCC jurisdiction over virtually any local matter. The question here, however, is whether federal rules have been unambiguously authorized by federal statute. Whether such rules are desirable or not is a question left to Congress. Congress was no doubt aware of the regional operations of incumbent LECs when it passed the 1996 Act, yet it nonetheless declined to give the Commission authority over performance measures.

Consequently, OSS may not be an issue in search of statutory jurisdiction." Ameritech agrees: The Commission's action both exceeds its jurisdiction and, as discussed next, is flatly inconsistent with the Act.

B. The Commission's Action Violates The Structure Of The Act, Which Provides That Local Interconnection Performance Measures Be Determined Through Negotiation And Arbitration -- Not Federal Regulation.

The local competition provisions set forth in §§ 251 and 252 rely on private negotiations, supplemented by arbitration before State regulatory commissions and by review in the federal courts. Performance measures are, at most, a means of monitoring and enforcing these contractual obligations, and as such, can be properly defined only by the parties responsible for defining those obligations in the first place: the private parties that negotiate such contracts, the State commissions with exclusive authority to arbitrate them, and the federal courts with exclusive jurisdiction to review State commission determinations.

And if performance measures have any toehold at all in the 1996 Act (which nowhere uses the terms "performance measures," or "operations support systems," or any reasonable facsimile thereof), they relate to the "terms and conditions" of an incumbent's provision of resold services, unbundled network elements or interconnection. Where the 1996 Act refers to terms and conditions, it uses them hand in hand with "agreements" -- a subject left to private negotiation, State arbitration, and federal court review -- or with "rates" -- a subject that the Eighth Circuit has expressly ruled to be off limits to this Commission. See § 251(c)(1) (describing duty to negotiate "terms and conditions of agreements to fulfill the duties described" in § 251, in accordance with process of negotiation and arbitration set forth in § 252);

§ 251(c)(2) (D) (referring to "rates, terms, and conditions of interconnection); § 251(c)(3) (referring to "rates, terms, and conditions" of provision of unbundled network elements); § 251(c)(6) (referring to "rates, terms, and conditions" of collocation).

The conjunction in §§ 251 and 252 of rates, terms, and conditions is no accident: Just as it makes no sense to prescribe measures for enforcing contractual obligations in a vacuum -- that is, without simultaneously defining and considering what the contractual obligations will be -- it makes no sense to set terms and conditions for an item's provision without simultaneously setting the rates at which provision will take place. Under the contractual, deregulatory framework envisioned by the 1996 Act, price and cost are linked to terms and conditions. That is why the price of raw hamburger differs from the price of cooked filet mignon.

Two years of consistent practice under the 1996 Act confirm the existence, and desirability, of relying "in the first instance on . . . contractual arrangements between private parties" (NPRM, ¶ 17) to define performance standards and measures. During this time, incumbents and CLECs have established and defined numerous "performance measures" using the process of negotiation, arbitration, and judicial review set forth in the 1996 Act. Under this de-regulatory framework, carriers assumed "[t]he duty to negotiate in good faith in accordance with section 252" binding agreements to fulfill the obligations described in sections 251(b) and 251(c). The subject of performance measures has been intensely negotiated and arbitrated. And just as the Act envisions, performance measures and standards have been resolved as important contractual obligations.

These carrier-specific agreements properly reflect the give and take that is inherent to contracts and antithetical to the one-sided regulatory fiat structure that Congress rejected but that the Commission seeks to impose. Contractual performance measures balance the real business needs specific to each competitor while accommodating the practical limitations of feasibility and cost-effectiveness facing each incumbent. The near infinite permutations of performance measures suggested by the commenting parties in this docket is compelling confirmation that this matter does not require and is not appropriate for uniform federal regulation, but is instead best left as Congress required in Section 251(c)(1) -- to good faith negotiations between individual carriers, subject to State commission action and federal judicial review as set forth in section 252. Commissioner Furchtgott-Roth himself puts it best: "There seems little clear evidence that the Section 252 process has failed either generally or specifically for the purposes of OSS."

C. The Notice Is Also Procedurally And Substantively Invalid.

The ultimate recognition that the abstract rules set forth in the Notice violate the terms and structure of the 1996 Act comes from the Commission itself. The Commission has issued a Notice of Proposed Rulemaking in which it purports not to make rules, but to promulgate non-binding "suggestions" or "model" rules with no legal force, and "performance measures" with no standards to measure against. Not only does the Commission lack statutory authority to promulgate such "suggestions," but given the significant workload of other matters that do fall within the Commission's authority, it seems a significant waste of Commission time and scarce resources to engage in the purportedly non-binding micro-management envisioned by the Notice.

Such "guidance" is not needed, given the thousands of approved interconnection agreements in place.

On the other hand, the proposed measures are procedurally improper if the Commission's ultimate intent is to turn its "helping hand" into a fist: Indeed, the Commission is only willing to say it has "no intention to issue binding rules in the first instance" while admonishing the parties that it intends to issue such binding rules should it be dissatisfied with "the states' and carriers' application of the model performance measurements" proposed in the Notice. NPRM, ¶ 24. As demonstrated above, the Commission has no jurisdiction to regulate intrastate matters, and no authority to ignore the deregulatory framework enacted by Congress in sections 251 and 252.

As Commissioner Furchtgott-Roth observes, the States have already addressed performance measures in arbitrations, as the Act instructs them to do. As a result, this proceeding is nothing more than a second bite at the apple for parties disgruntled with the give and take of negotiation and arbitration and satisfied with nothing less than total victory; for Monday morning quarterbacks who failed to even ask for some of the measures set forth herein in the process of negotiation and arbitration; and for litigious CLECs (and interexchange carriers) hoping to mire incumbent competitors with an ever-burgeoning, one-sided list of regulatory requirements. Indeed, because the rules advanced in the Notice are ostensibly not binding, such parties will not only get a second bite at the apple, but can gnaw on it indefinitely in further rulemakings at the state and federal levels.

Turning to the substance of the Notice, the Commission addresses a perceived problem, where there is none. Not surprisingly, then, its Notice does not even purport to be a solution.

Instead, the Commission offers up 30 performance measures, each with numerous sub-measures euphemistically described as "categories," to be calculated and reported for CLEC and incumbent transactions alike -- in all, over 300 performance measures per CLEC per month.

Yet despite their excessive detail, these measures are not the end, but merely a series of non-binding "talking points" for further regulation and litigation at the state and federal levels. The result is an administrative oxymoron -- a Notice of Proposed Rulemaking that proposes not to make rules. These purported non-rules will, however, no doubt serve as a *de facto* floor -- to be used as ammunition by CLECs (and interexchange carriers) to create unnecessary make-work for incumbents, to mire regulatory bodies, lawyers, and courts in micro-management, and thus to forestall the advent of competition in the local and long-distance markets alike. The measures set forth in the Notice take away the certainty of contract, and leave incumbents like Ameritech with the task of attempting to meet an ever-moving target. The target is already moving now, as the Notice has discarded the "average installation interval" discussed and defined at length in the Commission's Ameritech Michigan and BellSouth South Carolina Section 271 orders, in favor of a new and purportedly improved "average completion interval."

Finally, there remains the question of what to do with the near-endless stream of data the Notice asks incumbents to generate and disseminate. The Commission, at least for now, recognizes the impropriety of setting performance "benchmarks," against which the various measurements would be compared. But the lack of benchmarks in the Notice, while appropriate, reveals the proposed measures for what they are -- meaningless make-work. This is the necessary consequence of creating performance measures in a vacuum, rather than in

conjunction with the process of negotiation and arbitration that defines the contractual commitments to which performance measures should be tied. Nevertheless, Ameritech's competitors -- along with their hired economists, statisticians, and lawyers -- will not be so shy to find uses, albeit improper ones, for this data. Again, Commissioner Furchtgott-Roth recognizes where this Notice is leading: to a new level of "intense and long-lasting litigation" that will "stifle entry into all telecommunications markets":

> The measures proposed today provide endless fields for future litigation. Any economist or statistician in the world can approach a telecommunications carrier and its eager lawyers and propose to find a deficiency in the OSS measures (interpreted as standards) of a carrier to which it is interconnected. The likelihood of finding such a deficiency is practically 100 percent. In the unlikely event that all measures are satisfactory today, one only needs to wait until tomorrow or next week or the week after to find a deficiency.

Although this Notice is, for the reasons described above, an improper non-solution to a non-problem, Ameritech does recognize the importance of performance measures. Further, it has accumulated a good deal of valuable experience with such measures, both in managing its business before (and after) the Act and in managing contractual relations after the Act. Thus, should the Commission decide, over Ameritech's objection, to issue "model" performance measures along the lines contemplated in the Notice, Ameritech offers constructive suggestions for such measures in the remaining sections of these comments. Yet the most constructive approach is for the Commission to turn away from this ill-conceived, and ill-fated, venture. There is still time to follow the contractual, de-regulatory framework adopted by Congress.

III. PROPOSED PERFORMANCE MEASUREMENTS AND REPORTING REQUIREMENTS

A. General Issues

1. Balance Between Burdens and Benefits

Should the Commission decide, over Ameritech's objection, to promulgate performance measures (whether in the form of rules or "models"), Ameritech offers its comments on each of the specific measures proposed by the Commission. Ameritech finds it appropriate that the Commission opens its substantive discussion with the issue that should come first: a discussion of costs and benefits associated with performance reporting. NPRM, ¶¶ 36-37.

The Commission bases much of its Notice on the assertion, first advanced in dictum in the Ameritech Michigan Order, that OSS are not just "support systems" -- as is self-evident from the very name operations support systems -- but an independent "network element." As Commissioner Furchtgott-Roth himself points out, the statutory basis for this assertion is at best dubious: "[R]easonable people might reasonably observe that the phrase 'operations support system' is not found in the Act."

But at any rate, the Commission has, in the past, recognized that access to an incumbent's OSS means just that -- access to the incumbent's OSS -- and does not require incumbents to construct a hypothetical utopian OSS that exists today only in the minds and word processors of CLECs, their lawyers, and their paid litigation consultants. Even the Notice professes to "balance our goal of detecting possible instances of discrimination with our goal of minimizing, to the extent possible, burdens imposed on incumbent LECs." NPRM, ¶ 36.

Ameritech strongly supports the rigorous application of cost-benefit principles to proposed performance measures, and (as is evident below) in many instances agrees with the balances struck by the Commission. Yet several of the measures proposed in the Notice would require incumbents to incur significant costs associated with rewriting electronic systems and performing time-consuming manual functions, and thus represent a significant retreat from cost-benefit analysis and from the basic principle that an incumbent is required only to provide access to its OSS, not to reconstruct them.

Ameritech's costs of compiling and reporting performance measures for the wholesale unit are already quite substantial. Ameritech's annual cost of performance measurements is approximately $20 million. The incremental cost of wholesale performance measurements is approximately $1.25 million, plus $1 million for initial development and implementation (including the design of systems and procedures, both electronic and manual). These costs include the deployment of a full-time staff of 5 persons, plus the assignment of computer programmers and network personnel, plus the engagement of expert consultants. The Commission's proposals, if implemented, would effectively double these costs. To take just one example, Ameritech would have to employ at least one full-time statistician, assisted by expert consultants, to perform the statistical analysis proposed in Appendix B of the Notice.[3/]

Cost inefficiencies associated with the Commission's proposals are described in detail below, but a few examples will make the point here. One prime example of such inefficiency is

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[3/] Ameritech agrees with USTA's recommendation that the Commission should, if it adopts the proposed measurement rules, also adopt a mechanism for incumbent LECs to recover the very substantial costs of complying with them. Unfunded mandates are bad policy and raise substantial constitutional questions.

the proposed measurement of answer time for operator services and directory assistance ("OS/DA"), which the Commission proposes to break down between CLEC and incumbent customer calls. Today, however, Ameritech's systems cannot identify, much less disaggregate, OS/DA calls by source. Instead, they simply queue OS/DA calls on a first-come-first-served basis regardless of whether they are branded with the CLEC's or Ameritech's name, or whether they are received on common or dedicated trunks. Reporting OS/DA answer time at the level sought by the Commission would require substantial new software and equipment -- and its principal effect would be to create the ability to discriminate where it presently does not exist.

Jeopardy notices are another example of a misguided measurement. The Commission already proposes two measurements with the same objective of assessing the speed of order provisioning for all orders: the "average completion interval" and the "percentage of due dates missed." Nevertheless, the Commission proposes two further measures associated with due date performance. Without regard to whether due date performance is even a problem, the Commission asks incumbents to measure (at 19 separate levels of disaggregation) the percentage of orders receiving jeopardy notices -- notices that a due date may not be met -- *and* the period of time before the due date in which a jeopardy notice is provided. These measures are not only unnecessary and costly, but also inappropriate. Ameritech does not, as the Commission suggests, employ jeopardy notices as an early warning system for customer service representatives, be they CLEC or Ameritech personnel, but as a means for network personnel to identify, resolve and eliminate potential due date issues before the sales representative even needs to know about them. Thus, Ameritech does not inform CLECs of a jeopardy unless the

situation is unresolved by 24 hours before the due date; and jeopardy notices are not used by Ameritech's own retail representatives in the normal course. The Commission's proposed incentive to speed jeopardy notifications, without giving network personnel a chance to resolve them on their own, would result primarily in counterproductive "false alarms" and a report with no incumbent LEC analog.

2. Geographic Level for Reporting

The Commission seeks "comment on the appropriate geographic level of reporting," and particularly "on whether carriers should report data for each performance measurement based on state boundaries, LATAs, metropolitan statistical areas (MSAs) or some other relevant geographic reporting area." NPRM, ¶ 38.

Ameritech strongly recommends the use of state-level reporting, which best corresponds with the scope of its respective operating companies and of its corresponding interconnection agreements with competing carriers, and with the jurisdiction of state regulatory commissions. Ameritech further recommends that it summarize state-level data on a regional basis. As the Commission notes, many operations support systems are uniform throughout an incumbent's region. Analysis at the regional level can highlight and facilitate the analysis of state-specific trends. Specifically, regional summarization can allow Ameritech, CLEC and state regulators to determine whether apparent disparities at the state level reflect systemic problems, idiosyncracies, or random chance.

Ameritech specifically disagrees with the suggestion of some CLECs, noted at ¶ 38 of the NPRM, who advocate reporting on more granular levels, such as LATAs or MSAs. Compliance

with all of the possible variations in reporting detail would be infeasible and very expensive. And reporting results in such detail for all measures, for all CLECs, would strangle Ameritech in paperwork and leave it at the mercy of its competitors' business plans. Further, by reducing the scope of the various data samples, small-area reporting would reduce the statistical reliability of the various measures, and increase the number of false positives.

State and regional reporting should be the rule. To the extent that a specific CLEC has a legitimate business need for a more detailed presentation, that need can be addressed in the process of negotiation and arbitration provided in the 1996 Act, or in the procedures for supplemental requests provided in most interconnection agreements. And to the extent that more detailed presentation may be helpful in analyzing specific performance measures in a given period, that analysis should be performed only after the basic, state-level reporting indicates that discrimination may be present in discrete geographic areas that warrants further investigation.

3. Scope of Reporting

Ameritech agrees with the Commission's tentative conclusion (¶ 39) that an incumbent LEC should report separately on performance as provided to its own retail customers (where a retail analog is available); competing carriers in the aggregate; and individual competing carriers.

The Commission also proposes that incumbents report separately for affiliates that provide local exchange service. In Ameritech's case, the only affiliates to which this might apply, Ameritech Advanced Data Services ("AADS") and Pay Phone, are not offering or planning to offer "local" services except in a very specialized sense. AADS is purchasing

unbundled conditioned loops and may eventually offer local "frame relay" services on a resale basis. Ameritech Pay Phone provides only Pay Phone local services. These limited services are not comparable to CLEC's more general offerings, or with Ameritech's full-service retail operations. Separate reporting would not be meaningful or cost-beneficial.

4. Relevant Electronic Interfaces (NPRM, ¶¶ 40-42)

Ameritech strongly agrees with the Commission's tentative conclusion that, "[b]ecause incumbent LECs access their systems electronically for retail purposes, . . . incumbent LECs need measure only the access they provide electronically to competing carriers." NPRM, ¶ 40. Ameritech also concurs that data should be reported separately for each relevant electronic interface, because separate interfaces may employ different processes that can affect performance.

Further clarification is necessary, however, with respect to Ameritech's provision of a so-called "graphical user interface" ("GUI") for repair and maintenance. The Commission appears to consider "GUI-based interface[s]" to be a separate interface type. NPRM, ¶ 41. That is not the case for Ameritech, whose GUI is not a separate interface in and of itself, but is instead a personal-computer-based tool for using the generic application-to-application interface. A CLEC may use the GUI to enter data into that interface, or it may directly submit electronic data files from its application programs. Whichever input method the CLEC chooses, the underlying electronic functions and programs are the same, and they should not be disaggregated.

5. Reciprocal Reporting Requirements

CLECs should be required to provide reciprocal reporting of performance in areas where they provide services, comparable to those described herein, to incumbent LECs. First, CLECs are responsible for engineering, installing, and monitoring all interconnection trunks to transport traffic from their end users to Ameritech end users. In these situations, the CLEC should be required to provide trunk blockage or call completion reports, along with such measurements as Percentage of Due Dates Missed, Average FOC Notice Interval, and Average Interval for Held Orders.

CLECs are also required, by their interconnection agreements, to provide reciprocal collocation arrangements to incumbent LECs. Therefore, it is only reasonable for CLECs to provide such collocation measurements as Average Time to Respond, Average Time to Complete, and Percentage of Due Dates Missed.

Next, incumbent LECs have every right to attempt to win back customers that have transferred their service to CLECs. Thus, just as incumbent LECs are required to provide CLECs with access to Customer Service Records ("CSRs") upon request, so should the CLECs be required to provide their own CSRs. Therefore, CLECs should also report the average time to respond to requests for CSRs.

While it is impossible at this time to forecast all future services that CLECs may agree to provide incumbent LECs, the Commission should generally require CLECs to provide reciprocal reporting in all areas where they provide incumbents with services comparable to those received by the CLECs.

6. Levels of Disaggregation

The Commission seeks comment on the levels of disaggregation it proposes for ordering measurements. NPRM, ¶¶ 46-51. As described in Section III.B.2.a below, Ameritech comments on the levels of disaggregation proposed for a given measurement at the same time it comments on the measurement as a whole. Further, Ameritech employs (and proposes that the Commission employ) a common two part-test for assessing measurement categories: A proposed measurement category should not be reported unless it both adds meaning to the performance data, and is cost-effective. Although the Commission specifically seeks comment as to its categories in the ordering context, it is important to keep in mind that the same two-part analysis should apply to measurements in all contexts described in this Notice, not just ordering.

B. Proposed Measurements

1. Pre-Ordering Measurements

Average Response Time (NPRM, ¶¶ 43-45 & App. A, § 1). The purpose of these measurements is to assess the speed at which an incumbent local exchange carrier ("ILEC") provides pre-order information to competing LECs ("CLECs"). The NPRM provides for separate measurements of the following information categories:

- Due Date Reservation
- Feature Function Availability
- Facility Availability
- Street Address Validation
- Service Availability
- Appointment Scheduling
- Customer Service Records
- Telephone Numbers
- Rejected Query Notices